



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,483	08/29/2001	Henry Wu	HENRYWU.007A	9333
20995	7590	05/10/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			GREEN, BRIAN	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/943,483	WU, HENRY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian K. Green	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 February 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 7-9, 12-21, 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 7-9, 12, 13, 15-21, 32 and 33 is/are rejected.
- 7) Claim(s) 14 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### *Specification*

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Stating in claims 7 and 15 that the main body comprises a panel that defines a front surface and a rear surface and that the first and second retainer are interconnected by the panel of the main body.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9,12,13,15-21,32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald (U.S. Patent No. 1,847,605) in view of Neal (U.S. Patent No. 5,779,317) and Taylor (U.S. Patent No. 4,884,353).

Fitzgerald shows in figures 10 and 12 a seat fastening device for a chair comprising a back rest portion (25), a main body comprises a panel (24) that defines a front surface and a rear surface, a first retainer (8) attached to a first edge and a second retainer (7) attached to a second edge for attaching the main body to the back rest portion. The first retainer (8) extends from the first edge of the main body, wherein the first retainer has a hook shape (see figures 3-5 which

show that the first retainer is hook-shaped) that is biased (biased by the spring 12) towards the rear surface of the main body. The second retainer (7) extends from the second edge of the main body, wherein the second retainer has a hook shape (see figures 3,4, and 7 which show that the second retainer is hook-shaped) that is biased (figures 3,4, and 7 show that the hook includes an inwardly biased portion) towards the rear surface of the main body. Fitzgerald shows in figure 12 that the panel (24) connects the first and second retainers. The first and second retainers are considered to be flexible since they are made out of sheet metal which is known to be flexible. Fitzgerald does not disclose whether the chair is a folding chair and attaching padding to the main body. Neal shows in figure 1-9 the idea of removably attaching a padded portion (11) to a seat portion (3) and a padded portion (30) to a back rest portion (8), placing a message on the padded portion (picture of flowers or other message) and making the chair in the form of a folding chair, see column 1, lines 4-6. Taylor shows in figures 1 and 3 a plastic main body (12) which includes padding (60,62) and a sign panel (14) with indicia thereon. In view of the teachings of Neal it would have been obvious to one in the art to modify Fitzgerald by making the chair in the form of a folding chair since this would allow the chair to be stored and transported in an easier and more convenient manner. In view of the teachings of Taylor it would have been obvious to one in the art to modify Fitzgerald by replacing the main body with the type taught by Taylor including padding (60,62) and a sign with indicia thereon since this would allow the message being displayed by the main body to be changed in an easier and faster manner. In regard to claim 8, it would have been an obvious manner of design choice to make the retainers from plastic since the applicant fails to define any advantage to making the retainers from plastic and the metal retainers taught by Fitzgerald would work equally well. In regard to

claim 9, Taylor discloses the idea of making the main body from plastic and it is considered within one skilled in the art to make the main body any thickness as desired. In regard to claim 12, the padded sign is considered to be contoured to the back rest portion of the chair. In regard to claim 13, as broadly defined, the surface upon which the padding (60,62) is attached is considered to be the “rear surface”. In regard to claim 15, the edges upon which the retainers (7,8) are attached are considered to be the upper and lower edges, see figure 12. In regard to claims 18 and 21, Fitzgerald does not disclose the use of a plurality of chairs. Neal discloses in column 1, lines 35-50 and column 4, lines 23-30 that a plurality of the folding chairs are manufactured. Further, it is conventional in the art that a plurality of folding chairs are used together, i.e. church halls, school auditoriums, birthday parties, weddings, etc. In view of the teachings of Neal it would have been obvious to one in the art to modify Fitzgerald by using a plurality of the folding chairs together since this would allow a large group of people to be provided with seating in a more convenient and less expensive manner. In regard to claim 18, the folding chairs “can be” stacked together. In regard to claims 32 and 33, the first edge of the backrest portion and the first edge of the main body of Fitzgerald are considered to be oriented towards the top of the backrest portion and the second edge of the backrest portion and the second edge of the main body of Fitzgerald are considered to be oriented towards the bottom of the backrest portion, see figure 12.

#### *Response to Arguments*

Applicant's arguments filed Feb. 28, 2005 have been fully considered but some of the arguments are not persuasive.

The applicant argues that none of the prior art of record shows the limitations added to independent claims 7 and 15. The examiner disagrees since Fitzgerald shows in figures 3-5 and 7 that the first retainer (8) extends from the first edge of the main body, wherein the first retainer has a hook shape (see figures 3-5 which show that the first retainer is hook-shaped) that is biased (biased by the spring 12) towards the rear surface of the main body and the second retainer (7) extends from the second edge of the main body, wherein the second retainer has a hook shape (see figures 3,4, and 7 which show that the second retainer is hook-shaped) that is biased (figures 3,4, and 7 show that the hook includes an inwardly biased portion) towards the rear surface of the main body. Fitzgerald also shows in figure 12 that the panel (24) connects the first and second retainers.

The applicant argues that there is no teaching or suggestion to combine the cited references. The examiner disagree since Neal teaches that it is known to make a chair foldable which would provide the advantage/motivation of allowing the chair to be stored and transported in a more convenient manner. The Taylor patent is being used to modify Fitzgerald to provide the advantage of allowing the message being displayed by the main body to be changed in an easier and faster manner.

#### *Allowable Subject Matter*

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
May 3, 2005